

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

ITS FINANCIAL, LLC,

Plaintiff,

-v-

EZMO FINANCIAL, LLC, et al,

Defendants.

Case No. 3:13-CV-041

Judge Thomas M. Rose

**ORDER REQUIRING PLAINTIFF AND DEFENDANT LIMITED
LIABILITY COMPANIES TO INFORM THE COURT NOT LATER THAN
FEBRUARY 22, 2013, OF THE NAME AND CITIZENSHIP OF EACH
MEMBER**

This matter was removed to this Court from the Court of Common Pleas of Greene County, Ohio based upon this Court having diversity citizenship. For diversity of citizenship to exist, the Plaintiff's citizenship must be diverse from the Defendants' citizenships. However, this Court cannot tell from the face of the complaint whether diversity of citizenship exists, and thus cannot determine if it has the power to adjudicate this matter.

The Complaint indicates that the Plaintiff and one of the Defendants are LLCs. "The general rule is that all unincorporated entities - of which a limited liability company is one - have the citizenship of each partner or member." *Delay v. Rosenthal Collins Group, LLC*, 585 F.3d 1003, 1005 (6th Cir. 2009). Thus, without confirming the citizenship of each member of the LLC Parties, the Court cannot confirm that it has subject matter jurisdiction to proceed. Therefore, Plaintiff ITS Financial, LLC and Defendant EZMO Financial, LLC are each given until not later than February 22, 2013, to inform the Court of the name and citizenship of each member.

DONE and **ORDERED** in Dayton, Ohio this Thirteenth Day of February, 2013.

s/Thomas M. Rose

THOMAS M. ROSE
UNITED STATES DISTRICT JUDGE

Copies furnished to:

Counsel of Record